

1 THOMAS A. ERICSSON, ESQ.
2 Nevada Bar No. 4982
3 Oronoz & Ericsson, LLC
4 1050 Indigo Drive, Suite 120
5 Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Facsimile: (702) 522-1542
tom@oronozlawyers.com
Attorney for Paul Michael Marciak

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7 **UNITED STATES DISTRICT COURT**
8
DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 PAUL MICHAEL MARCINIAK,
14 Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

**STIPULATION TO CONTINUE
SENTENCING**
(SIXTH REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael
16 Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of
17 America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel Cowhig,
18 Assistant United States Attorney, that the sentencing hearing currently scheduled for October
19 7, 2019, at the hour of 10:00 a.m., be vacated and continued for at least sixty (60) days to a
20 date and time that is convenient to this Honorable Court.

21 The request for a continuance is based upon the following:

22 1. Defense Counsel is continuing to work on a mitigation issue related to sentencing
23 that must be resolved before sentencing.

24 2. Mr. Marciak is currently in custody, and he does not object to the continuance.

25 3. Counsel for Mr. Marciak has spoken with AUSA Daniel Cowhig, and the
26 Government agrees to the continuance.

27 4. The additional time requested by this Stipulation to Continue Sentencing is reasonable
28 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good
cause, change any time limits prescribed in this rule.”

5. The additional time requested herein is not sought for the purposes of undue delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

DATED: October 2, 2019

Respectfully submitted,

/s/ Thomas A. Ericsson
Thomas A. Ericsson, Esq.
Oronoz & Ericsson, LLC
1050 Indigo Dr., Suite 120
Las Vegas, Nevada 89145
Attorney for Defendant Marciniak

/s/ Daniel Cowhig
Daniel Cowhig
Assistant United States Attorney
District of Nevada
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada, 89101
Attorney for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PAUL MICHAEL MARCINIAK,
Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defense Counsel is continuing to work on a mitigation issue related to sentencing that must be resolved before sentencing.
2. Mr. Marciniak is currently in custody, and he does not object to the continuance.
3. Counsel for Mr. Marciniak has spoken with AUSA Daniel Cowhig, and the Government agrees to the continuance.
4. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
5. The additional time requested herein is not sought for the purposes of undue delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for
5 October 7, 2019, be vacated and continued to December 30, 2019, at the hour of 10:00 a.m.

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8 DATED: 10/3/2019

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11 UNITED STATES DISTRICT JUDGE
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